



PATENT  
Attorney Docket No.: DIVER1370-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short and Kretz Art Unit: 1761  
Application No.: 09/777,566 Examiner Unassigned  
Filed: February 5, 2001  
Title: RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY**  
**WITH SEQUENCE LISTING REQUIREMENTS UNDER 37 C.F.R. §§ 1.821-1.825**

Dear Sir:

In response to the Notice to Comply with Requirements For Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed May 2,  
2001, Applicants provide herewith a computer readable and a paper copy of the Sequence  
Listing in accordance with 37 C.F.R. § 1.821 *et seq.*

RECEIVED  
JUN 14 2001  
TC 1700 MAIL ROOM

| CERTIFICATION UNDER 37 CFR §1.8                                                                                                                                                                                                                               |               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>6-7-01</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231. |               |
| <u>Yimra Nazari</u>                                                                                                                                                                                                                                           |               |
| Name of Person Mailing Paper                                                                                                                                                                                                                                  |               |
| <u>[Signature]</u>                                                                                                                                                                                                                                            | <u>6-7-01</u> |
| Signature                                                                                                                                                                                                                                                     | Date          |

In re Application of: Short and Kretz.  
Application No.: 09/777,566  
Filed: February 5, 2001  
Page 2

PATENT  
Attorney Docket No.: DIVER1370-6

If the Examiner would like to discuss the attached sequence listing, Applicants' representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: \_\_\_\_\_

6/7/01

*Lisa A. Hail*

Lisa A. Hail, Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189

USPTO Customer Number: 28213

RECEIVED  
JUN 14 2001  
TC 1700 MAIL ROOM



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/777,566         | 02/05/2001          | Jay M. Short          | DIVER1370-6            |

CONFIRMATION NO. 4776

## FORMALITIES LETTER



Lisa A. Haile, Ph.D.  
Gray Cary Ware & Freidenrich LLP  
Suite 1600  
4365 Executive Drive  
San Diego, CA 92121-2189

Date Mailed: 05/02/2001

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

RECEIVED  
JUN 14 2001  
ITC 1700 MAIL ROOM

*A copy of this notice **MUST** be returned with the reply.*

*Ryan*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

JUN 14 2001

TC 1700 MAIL ROOM